(Ireland.)

A

BILL

To authorize the Advance of a certain Sum of Money for the Relief of the County of Clare, and of the Creditors and others remaining unpaid by reason of the Default of the late Treasurer of the said County, and to provide for the Repayment of such Advances, and to direct certain Proceedings to be taken in reference to the Default of such late Treasurer.

[Note.—The Words and Clauses printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS divers sums have been from time to time advanced out of the public monies, under the provisions of certain Acts for the execution of Public Works, and for other public purposes in the county of Clare, and a balance is now due from the said county upon the said advances by reason of the default of George O'Callaghan, Esquire, the late Treasurer of the said county: And whereas a large sum is also due to the said county by the said late Treasurer, over and above the sums which ought to have been applied in repayment of the said advances: And whereas great public inconvenience may arise if the contractors and others who have demands against the said county shall remain unpaid: And whereas the nature and circumstances of the property of the said late Treasurer render it expedient to enter into an arrangement for securing the ultimate repayment of the sums owing by him to the said county, with interest as hereinafter mentioned: And whereas the said late Treasurer, together with certain sureties, entered into recognizances to his late Majesty King GEORGE the Fourth, his heirs and successors, in a certain amount conditioned for securing the sums to be by him received as such Treasurer, and the sum specified in such recognizances is now ready to be paid; and it is expedient to permit the entire of the said sum Preamble.

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sum to be applied towards payment of the sums due to the said contractors and others whose demands remain unpaid, notwithstanding the prior right of the public to be thereout repaid the aforesaid advances out of the public monies; and it is also expedient to advance a further sum out of the public monies for the present relief of the said county, to be repaid, together with the aforesaid advances heretofore made, as hereinafter mentioned; **Be it therefore Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same,

1. The Chief Remembrancer shall ascertain the sum due by the late Treasurer of the county of Clare to that county; and how much thereof is due to the public for monies advanced to the county; and shall certify same to the Lords of the Treasury.

THAT the Chief Remembrancer of the Court of Exchequer in Ireland shall with all convenient speed proceed to ascertain the whole sum due or payable by the said George O'Callaghan to the said county as such Treasurer; and also to ascertain the sums due upon such advances as have been so made as aforesaid, for the execution of Public Works or for other public purposes in the said county, and shall certify the same by a certificate in writing, and shall transmit such certificate to the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland.

2. Upon receipt of such Certificate the Lords of the Treasury may direct that the whole of the sums payable under recognizances, and a further sum not exceeding the sum due by the late Treasurer to the county, shall be paid over to the present Treasurer of the county, the further sum to be advanced out of the Consolidated Fund.

And be it Enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, on the receipt of such Certificate, to authorize and direct that the whole of the monies payable under the said recognizances and any additional sum or sums not exceeding in the whole the sum which the Chief Remembrancer shall so certify to be due by the said late Treasurer, shall be paid to the Treasurer for the time being of the said county, or lodged to the credit of his account in the Bank in which may be kept his account as the said Treasurer, such additional sum or sums to be advanced upon the Warrant of the said Commissioners of the Treasury, or any Three or more of them, out of the Consolidated Fund of the United Kingdom, and the whole of such monies to be by said Treasurer applied, so far as the same shall extend, first in discharge of the sums due to the said Contractors and others whose demands shall remain unsatisfied, and next in payment of current and future expenses of Public Works in the said county, or for other public purposes in the said county, under the directions of the Grand Jury, and to be kept and accounted for by the said Treasurer for the time being, in like manner as other public monies received by him as such Treasurer, and to be considered as such in any proceeding against the said Treasurer or his sureties.

3. The Money now due on account of former advances, and the further sum advanced under this Act to be repaid with interest by Twelve half-yearly instalments.

And be it Enacted, That the sum now due and owing from the said county of Clare on account of the said advances heretofore made out of the public monies, together with such additional sum as may be advanced out of the said Consolidated Fund under the provisions of this Act, shall be repaid by Grand Jury presentment in and off the said county of Clare as hereinafter mentioned, in Twelve equal half-yearly instalments, with interest

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interest on the amount from time to time unpaid and outstanding, at the rate of Four Pounds per centum per annum, such interest to be computed from the time or times when such sum or sums of money shall be paid to the Treasurer of such county.

4.

Provision for repaying to the Treasury by instalments the sum so advanced and forborne to the county;

to that end the Grand Jury of the county are required at each Assizes to raise such instalment with interest.

And be it Enacted, That at the assizes next ensuing the payment to the Treasurer of the said county of any sum or sums of money under the authority of this Act, and at each succeeding assizes, until the entire sum or sums so to be paid to the said Treasurer shall be repaid, it shall be lawful for the Graud Jury of the said county of Clare, and they are hereby required to present to be raised off the said county at large such sum of money as the said Commissioners of the Treasury shall, by writiug under the hand of either of their Joint or Assistant Secretaries, certify to be the sum to be presented at such assizes in payment of the Instalment, with interest as aforesaid, then due and owing under the provisions of this Act; and such certificate shall be transmitted under the direction of the said Commissioners of Her Majesty's Treasury to the Secretary of the said Grand Jury, who shall lay the same before the said Grand Jury at such next assizes; and in case the Grand Jury at any such assizes shall neglect or refuse to present the sum mentioned in such certificate, the Judge by or before whom the presentments at any such assizes shall or ought to be fiated or passed is hereby authorized and required to make an order directing the sum mentioned in such certificate to be raised and levied as if the same had been so presented; and such order should have the force and effect of a presentment; and the Treasurer of the said county shall insert the sum or sums mentioned in the said order in his warrant, and the same shall he applotted, raised and levied in like manner, to all intents and purposes, as if the same had been duly presented by the said Grand Jury, and shall, when and as levied and received by the Treasurer of such county, he paid to such hank or person as shall be for that purpose named in such certificate, or as other monies payable for the time being on account of public advances to the said county may be then payable under any order of the said Commissioners of the Treasury or otherwise.

Usual provision to enforce such presentments.

5.

The Chief Remembrancer shall have power to determine upon what proceedings should be taken against the late Treasurer for the recovery of the sum for which he made default, and to certify the same to Attorney General for Ireland, that he may proceed accordingly;

And be it Enacted, That it shall be lawful for the said Chief Remembrancer and he is hereby authorized and required forthwith to investigate the nature and circumstances of the Estate, real and personal, of the said George O'Callaghan, and to determine thereupon whether any and what proceedings should be taken to enforce the payment of the halance which may be found due by him to the said county, or on account of any monies for which he was liable, or which he was bound to pay or account for as the Treasurer of such county, and to certify the same to Her Majesty's Attorney General for Ireland, in order to his proceeding thereon as may he expedient; or if the said

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and if the Chief Remembrancer shall be of opinion that it would be more advantageous that an agreement should be entered into with the late Treasurer for securing and repaying the sum he owes the county, then the Chief Remembrancer shall determine upon the terms of such agreement and security, and shall have power to carry such agreement into effect, and to direct the necessary acts to be done in order thereto.

Chief Remembrancer shall think that it will not be beneficial to take any such proceedings, or to take such proceedings only for part of such balance, and that, on the contrary, it would be more to the public advantage that an agreement should be entered into by or for or with the said George O'Callaghan, for his giving or procuring security for the ultimate repayment of the sums or balance owing by him to the said county, or on account of his default in his said office, with any interest thereon or any part thereof, then that it shall be lawful for the said Chief Remembrancer and he is hereby required to consider and determine the terms of such agreement, and the nature and amount of such security, and the title to the property to be included in or affected by the same, and the amount to be charged thereon for principal, interest, receiver's fees, poundage, or other reasonable charges, and the form and manner in which, and the acts, deeds, assurances or other matters by which the same ought to be affected, and to direct to be bad and done all such acts, deeds and assurances, and other matters, as to the said Chief Remembrancer shall seem expedient, whether by the granting of a custodiam or custodiams on the said recognizances or any of them, or on any new recognizance or recognizances, or by the conveyance of any lands or other property to a trustee or trustees, or by effecting a policy or policies of insurance on the life of the said late Treasurer, and applying any property to the payment of the premiums on such policy or policies, and to the payment of interest on the sums or balance so owing by the said George O'Callaghan or otherwise, or by such other ways or means as the said Chief Remembrancer shall deem expedient and shall find to be practicable under all the circumstances of the case; and to consider and determine on the person or persons who shall be Trustee or Trustees for any of the purposes of such security; and to consider and determine the rate of interest to be payable upon the balance or sum so to be secured or to be included in such security (such rate of interest not to be less than *Four* Pounds per centum per annum), and from time to time to consider, determine and make orders, as to said Chief Remembrancer shall seem expedient, for compelling the Trustee or Trustees of such security, or of any property included in or affected by the same, or acting in relation thereto, to account or to pay over monies or balances in his or their hands as the Chief Remembrancer shall direct, or for the removal of such Trustee or Trustees, or for the appointment of other and others in their or his room, or for compelling such Trustee or Trustees to assign over to such person or persons as said Chief Remembrancer shall nominate as new Trustee or Trustees any property vested in him or them as such Trustee or Trustees; and further from time to time to consider, determine and make orders, as to the said Chief Remembrancer shall seem expedient, for effectuating the purposes of such security and for preventing the same from being defeated

May grant a custodiam, or divide a conveyance to Trustees, and appoint or remove Trustees, and effect insurance;

and fix the rate of interest to be paid by the Sub-Treasurer. Not less than 4*l.* per cent.

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defeated or delayed, or for any other purposes in relation to such security; and all such orders as the said Chief Remembrancer shall make touching the premises shall be enforced by attachment or otherwise, and shall have such force and effect as any order or orders which he is or shall be by law empowered to make in the performance of any of the functions or duties appertaining to his office; and all the powers and authorities now vested or at any times hereafter to be vested in him by virtue of his office, or under any Act or Acts, or otherwise, or by any Order or Orders in Council, for performing the duties of the said office of Chief Remembrancer, or for taking, enforcing or auditing the accounts of County Treasurers or any other accounts, shall and may be used and applied in and towards the performance of any duty or power imposed on or given to him by this Act; and all persons shall be subject to his order and this Act as fully as if such orders were made by him according to any other authority vested in him by law.

Chief Remembrancer to have all such powers in respect to such trust as he is invested with in respect to other matters of account as Chief Remembrancer; or in auditing the accounts of County Treasurer.

6.

And be it Enacted, That it shall be lawful for the said Chief Remembrancer, in case it shall appear to him expedient so to do for the purpose of facilitating the completion of such security, or of carrying the same into effect, by any order or orders to be by him made, to vacate, suspend or enjoin for such time or times or upon such terms as to him shall seem expedient, any proceedings against the said late Treasurer, for or in respect of his said balance or default, whether under the Act passed in the first year of the reign of Her present Majesty, intituled, "An Act to provide more effectual means to make Treasurers of Counties and Counties of Cities in Ireland account for Public Monies and to secure the same or otherwise:" Provided always, That nothing in this Act contained shall be construed to release or to authorize the said Chief Remembrancer to release the sureties of the said George O'Callaghan from their liability under the recognizances entered into by them or either of them.

The Chief Remembrancer shall have power to stay proceedings against the late Treasurer if he deems it expedient, whether such proceedings have been or shall be taken under the Act of 1 Victoria, or otherwise.

Sureties not be released.

7.

And be it Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices and others.

Public Act.

8.

And be it Enacted, That this Act may be amended or repealed by an Act to be passed in this present Session of Parliament.

Act may be amended.

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